

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LIONEL FRED TATE,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.


Case No. 2:12-cv-00563-MMD-VCF

ORDER

On the same day that the Court entered its order (dkt. no. 7) staying this action, it received petitioner's *ex parte* motion for appointment of counsel (dkt. no. 8). Whenever the Court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). "[T]he district court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952 (9th Cir. 1983). There is no constitutional right to counsel in federal habeas proceedings. *McCleskey v. Zant*, 499 U.S. 467, 495 (1991). The factors to consider are not separate from the underlying claims, but are intrinsically enmeshed with them. *Weygandt*, 718 F.2d at 954. After reviewing the petition, the Court concludes that appointment of counsel is not warranted.

1 IT IS THEREFORE ORDERED that petitioner's *ex parte* motion for appointment
2 of counsel (dkt. no. 8) is DENIED.

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4 DATED THIS 18th day of December 2012.

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8 MIRANDA M. DU
9 UNITED STATES DISTRICT JUDGE
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